



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Eugene C. Nelson et al.
Serial No.: 09/871,420 Art Unit: 2166
Filed: May 31, 2001
Title: "INTEGRATED COMMUNICATION SYSTEM AND METHOD"
Docket No.: 32669

Petition to Withdraw Holding of Abandonment

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Mail Stop Petitions
Commissioner For Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir/Madam:

Applicants have received a Notice of Abandonment under 37 CFR 1.53(f) or (g). Applicants believe this was issued in error and should be withdrawn for the reasons explained below.

The ground of abandonment is that applicants failed to respond to the Notice to File Missing Parts (Notice) mailed on 08/03/2001. On the contrary, however, applicants timely and properly responded to the Notice mailed on 08/03/2001. The due date for responding was October 3, 2001. A copy of the response mailed August 8, 2001 is attached as Exhibit A. A return receipt post card is attached as Exhibit B, showing that the response was received at the PTO on August 10, 2001.

The Notice required filing of the declaration and the fee for late filing of the declaration. As explained in the response (Exhibit A), the declaration and fee had been previously filed on July 9, 2001. A copy of the letter mailed July 9, 2001 submitting the declaration and fee is attached as Exhibit C. A return receipt post card is attached as Exhibit D, showing that the declaration and fee were received at the PTO on July 13, 2001.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 2313-1450, 20231 on the date indicated below.

Michael W. Garvey
Name Attorney for Applicant(s)

11-06-2003
Date

Signature of Attorney

Presumably not aware that applicants had submitted the declaration on July 9, 2001 and also not aware that applicants had, on August 8, 2001, informed the PTO that the declaration had been submitted, someone mailed a Notice of Incomplete Reply (Nonprovisional) on November 20, 2001. Ms. Jean Mitchell, of this office, then contacted Mr. Preston Wallace of the USPTO Customer Service Center to explain the situation. Ms. Mitchell then sent a fax (on November 29, 2001 and again on December 4, 2001) to Mr. Wallace confirming that the declaration and fee had been submitted. This fax and the fax confirmation sheets are attached as Exhibit E. Not hearing from Mr. Wallace, Ms. Mitchell believed that the matter had been resolved.

Accordingly, applicants request withdrawal of the holding of abandonment because:

1. Applicants timely and properly responded to the Notice mailed on 08/03/2001;
2. Applicants timely submitted the required declaration and fee;
3. The Notice of Incomplete Reply was issued in error; and
4. Applicants responded to the erroneously issued Notice of Incomplete Reply.


I am the attorney for applicants. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Because applicants have already filed all required responses and copies of these are enclosed, no further response is enclosed with this petition.

If there are any fees resulting from please charge all uncovered fees to our Deposit Account No. 16-0820, our Order No. 32669.

Respectfully submitted,

PEARNE & GORDON LLP



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Date: November 6, 2003



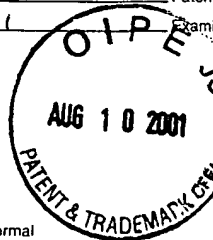
Inventor / Applicant: Eugene C. Nelson & William H. Kopers No. 14756
Title: Integrated Communication System and Method
Serial No. 09/871,420 Patent No. _____
Filed: May 31, 2001 Examiner _____
Enclosed Are:
☐ PATENT APPLICATION
____ New Application Transmittal
____ Declaration & Power of Attorney
____ Pgs. of Claims
____ Sheet(s) of Drawing(s)
____ Formal _____ Informal
____ Small Entity Statements
____ Continuation or Division
____ Rule 60 _____ FWC 62
____ Supplemental Declaration
☐ ASSIGNMENT
____ Transmittal(s)
____ Original _____ Copies
☐ INFORMATION DISCLOSURE
____ PTO-1449 _____ Refs.

**Other 2 pg. Response to missing
parts notice
2 pgs - copy of P.C. & M.P. notice**

CHECK(S) IN THE AMOUNT(S) OF
\$ _____ \$ _____
\$ _____ \$ _____

Docket No. Q4132669 In AWC/
Date 8/8/01

ACKNOWLEDGES RECEIPT OF:



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